



**TOWN OF SURFSIDE
DESIGN REVIEW BOARD
AND
PLANNING AND ZONING BOARD**

**AGENDA
DECEMBER 15, 2016
7:00 PM**

Town Hall Commission Chambers – 9293 Harding Ave., 2nd Floor
Surfside, Florida 33154

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit corporation or entity (such as charitable organization, a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support or opposition to any item.

Per Miami Dade County Fire Marshal, the Commission Chambers has a maximum capacity of 99 people. Once reached this capacity, people will be asked to watch the meeting from the first floor.

DESIGN REVIEW BOARD

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES: NOVEMBER 17, 2016**
- 4. DESIGN REVIEW BOARD APPLICATIONS:**

A. Request of the Owner of Property located at 8835 Carlyle Avenue.

The applicant is requesting to convert their garage, relocate the front door and add a rear addition.

B. Request of the Owner of Property located at 9065 Garland Avenue.

The applicant is requesting to convert their garage and renovate the property.

C. Request of the Owner of Property located at 900 89th Street.

The applicant is proposing the construction of a second story addition to the existing single-family residence, renovations to include the addition of a porch and the restoration of a converted garage back to a garage.

D. Request of the Tenant of Property located at 9545 Harding Avenue.

The property located at 9545 Harding Avenue is within the SD-B40 zoning district. The applicant is requesting reverse channel LED illuminated lettering sign to replace the sign at the existing retail shop, Couture Bridal. The name is being changed to Couture Bridal Miami. The proposed signage includes black lettering.

E. Request of the Owner of Property located at 8919 Carlyle Avenue.

The applicant is proposing an addition to the rear of the existing single family residence.

5. ADJOURNMENT.

PLANNING AND ZONING BOARD

**AGENDA
December 15, 2016
7:00 PM**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES: November 17, 2016**
- 4. ORDINANCE: Moratorium on Cannabis Dispensing Businesses**
 - A. AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; ESTABLISHING A TEMPORARY MORATORIUM ON CANNABIS DISPENSING BUSINESSES AS FURTHER DEFINED HEREIN; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.**

5. DISCUSSION ITEMS:

- 1. Connectivity opportunities**
- 2. Demolition of Houses**
- 3. Sea Level Rise**
- 4. Roof Pitch**
- 5. Future Agenda Items**

6. ADJOURNMENT.

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863.

TWO OR MORE MEMBERS OF TOWN COMMISSION OR OTHER TOWN BOARDS MAY ATTEND AND PARTICIPATE AT THIS MEETING. THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.



**TOWN OF SURFSIDE
DESIGN REVIEW BOARD
AND
PLANNING AND ZONING BOARD**

**MINUTES
NOVEMBER 17th 2016
7:00 PM**

Town Hall Commission Chambers – 9293 Harding Ave., 2nd Floor
Surfside, Florida 33154

DESIGN REVIEW BOARD

1. CALL TO ORDER

Chair Lindsay Lecour called the meeting to order at 7:00 p.m.

2. ROLL CALL

Recording Clerk Frantza Duval called the roll with the following members present: Chair Lindsay Lecour, Vice Chair Judith Frankel, Board Member Richard Iacobacci, Board Member Peter Glynn, and Board Member Brian Roller. Board Member Gregg Covin was absent. Commissioner Daniel Gielchinsky attended as liaison.

3. APPROVAL OF MINUTES: **October 27, 2016**

Board Member Iacobacci made a motion to approve. The motion received a second from Vice Chair Frankel and all voted in favor with Board Member Covin absent.

Commissioner Daniel Gielchinsky gave an update from the Commission on the Architectural Significance Ordinance.

4. DESIGN REVIEW BOARD APPLICATIONS:

A. Request of the Owner of Property located at 8918 Abbott Avenue.

The applicant is proposing an addition to the front and rear of the existing single family residence.

Town Planner Sarah Sinatra presented the item. The architect gave further details on the item.

Board Member Gutierrez made a motion to approve with staff conditions. The motion received a second from Board Member Glynn and all voted in favor with Board Member Covin absent.

B. 94th Street Promenade-Selection of Sculpture

On July 8, 2014, the Town Commission approved the design for the 94th Street End Project (Resolution 13-Z-04) that was submitted by the Chateau Ocean, LLC which had been a requirement of their conditional use and site plan approvals (Resolution No. 13-Z-04). The 94th Street End Project approval required that prior to the completion of the project “the applicant shall donate to the Town a unique, original sculpture [to be] installed at the east end of 94th Street”. To fulfill that requirement the applicant has selected a sculpture by Pablo Atchugarry who is internationally renowned for his monumental public sculptures. Images of his work as well as the selected sculpture are attached. The Design Review Board is requested to make a recommendation to the Town Commission.

Town Planner Sarah Sinatra gave a visual presentation of the item. The architect gave details on the item and answered questions from the Board. The Board discussed the plans and had some concerns regarding the rendering presented and the base. Building Official Ross Prieto responded to some of the concerns of the Board.

Chair Lecour opened the public hearing. No one wishing to speak Chair Lecour closed the public hearing.

Board Member Gutierrez made a motion to approve and forward to the Commission with the following condition:

1. the developer revisit the base and provide instructions for maintenance.

The motion received a second from Board Member Glynn and all voted in favor with Board Member Covin absent.

5. ADJOURNMENT.

There being no further business to come before the Design Review Board the meeting adjourned at 7.46 p.m.

Accepted this _____ day of _____, 2016

Chair Lindsay Lecour

Attest:

Sandra Novoa, MMC
Town Clerk

PLANNING AND ZONING BOARD

MINUTES **November 17, 2016** **7:00 PM**

1. CALL TO ORDER

Chair Lindsay Lecour called the meeting to order at 7:47 p.m.

2. ROLL CALL

Recording Clerk Frantza Duval called the roll with the following members present: Chair Lindsay Lecour, Vice Chair Judith Frankel, Board Member Richard Iacobacci, Board Member Peter Glynn, and Board Member Brian Roller. Commissioner Daniel Gielchinsky attended as liaison.

3. APPROVAL OF MINUTES: **October 27, 2016**

Vice Chair Frankel made a motion to approve. The motion received a second from Board Member Glynn and all voted in favor.

Board Member Glynn announced he had to resign from the Sustainability Committee. The Board agreed to have a rotating liaison on this Committee and Vice Chair Frankel will attend the December meeting.

4. ORDINANCE:

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-2 “DEFINITIONS” AND 90-33 “ALTERATION OR ENLARGEMENT OF NONCONFORMING STRUCTURES” TO PERMIT ALTERNATIVES FOR THE REDEVELOPMENT OF EXISTING ARCHITECTURALLY SIGNIFICANT BUILDINGS IN THE H120 ZONING DISTRICT; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Recording Clerk Frantza Duval read the title of the resolution. Commissioner Gielchinsky introduced the item. Graham Penn gave a power point presentation.

Chair Lecour opened the public hearing.

Public Speaker George Kousoulas spoke in favor of the ordinance.

Public Speaker Marianne Meischied was in favor of the option presented.

No one else wishing to speak the Chair closed the public hearing.

The Board discussed the ordinance and Mr. Penn and architect Kobi Karp addressed questions from the Board. Mr. Penn indicated that the examples presented were from studies done.

Board Member Iacobacci made a motion to approve and forward to the Commission with the following condition:

1. Condition of illustrative memo on massing.

The motion received a second from Board Member Glynn. The motion passed 4/1 with Board Member Roller voting in opposition.

At the end of the meeting Board Member Roller clarified why he voted in opposition.

5. DISCUSSION ITEMS:

1. Walkability and Pedestrian Safety

Town Manager Olmedillo gave a power point presentation of what other cities have done and what options the city of Surfside may consider. A representative from Calvin, Giordano and Assoc. also presented the item with detailed visuals.

Chair Lecour opened the public hearing.

Public Speakers:

- Jorge Cortes spoke about residents who maintain street side property and limiting street side parking as it is a safety issue.
- Steven Levine questioned the need or problem with no sidewalks and the criteria the Board will use to go forward as he was not in favor.
- George Kousoulas gave his views on the item with focus on Collins Avenue
- Deborah Cimadevilla presented her ideas on the item and shared photos she had taken regarding flooding in her area.
- Carlos Aparicio had concerns about the visuals and scale that was presented.
- Joyce Gato was not in favor of adding sidewalks.

No one else wishing to speak Chair Lecour closed the public hearing.

Commissioner Daniel Gielchinsky left the meeting at 9:15 p.m.

In summarizing, Chair Lecour said the three goals were safety, walkability, and aesthetics. The Board discussed the issue and expressed their views. Manager Olmedillo clarified his presentation as some items were questioned.

Chair Lecour suggested a framing device for an agenda with running goals such as walkability and pedestrian safety as sidewalks are not the only issue to be discussed. At the next meeting, she has asked staff to come back with more visuals of blocks in Surfside with suggested ideas.

2. Demolition of Houses

Town Planner Sarah Sinatra gave an update on the item and notification to neighboring properties. The Board briefly discussed the item and suggested a sign being posted.

3. Future Agenda Items

6. ADJOURNMENT.

There being no further business to come before the Planning and Zoning Board the meeting adjourned at 10:40 p.m.

Accepted this _____ day of _____, 2016

Chair Lindsay Lecour

Attest:

Sandra Novoa, MMC
Town Clerk



MEMORANDUM

To: Design Review Board

Thru: Guillermo Olmedillo, Town Manager

From: Sarah Sinatra Gould, AICP, Town Planner

CC: Linda Miller, Town Attorney

Date: December 15, 2016

Re: 8835 Carlyle Avenue– Garage Conversion

The property is located at 8835 Carlyle Avenue, within the H30B zoning. The applicant is requesting to convert their garage, relocate the front door and add a rear addition.



Staff has reviewed the current application for consideration by the Design Review Board. In this report Staff presents the following:

- Applicable Zoning Code regulations, along with the results of the review
- Staff Recommendation

STANDARDS / RESULTS

Town of Surfside Zoning Code, Applicable Requirements

Sec. 90-45. Setbacks

Setbacks	Required	Proposed
Primary Frontage	Minimum 20 feet	19.3 feet (existing condition)
Interior side	Minimum 5 feet	5 feet
Rear	Minimum 20 feet	27.2 feet

Sec. 90.50 Architecture and roof decks

Wall openings	10% for all elevations	All facades meet or exceed the 10% minimum wall opening requirement.
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Sec. 90-50.1 (5) Garage Facades

Required	Proposed
1 window	1 window
Landscaping required along the base	Landscaping provided.

Sec. 90-77 Off-street Parking Requirements

Required	Minimum Space Requirements	Proposed
Single-family	2 spaces	2 spaces

Windows and Trims

Required	Proposed
Window styles should always be consistent among all elevations of a building.	Consistent.
Frame materials should never vary on a single building.	No variation.
Window, door and eave trim should be consistent on all elevations of the house	Consistent.

RECOMMENDATION

Staff recommends approval with the condition that the curb cut be placed five feet from the property line.



MEMORANDUM

To: Design Review Board
Thru: Guillermo Olmedillo, Town Manager
From: Sarah Sinatra Gould, AICP, Town Planner
CC: Linda Miller, Town Attorney
Date: December 15, 2016
Re: 9065 Garland Avenue– Garage Conversion

The property is located at 9065 Garland Avenue, within the H30B zoning. The applicant is requesting to convert their garage and renovate the property.



Staff has reviewed the current application for consideration by the Design Review Board. In this report Staff presents the following:

- Applicable Zoning Code regulations, along with the results of the review
- Staff Recommendation

STANDARDS / RESULTS

Town of Surfside Zoning Code, Applicable Requirements

Sec. 90.50 Architecture and roof decks

Wall openings	10% for all elevations	All facades meet or exceed the 10% minimum wall opening requirement.
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Sec. 90-50.1 (5) Garage Facades

Required	Proposed
1 window	1 window
Landscaping required along the base	Landscaping provided.

Sec. 90-77 Off-street Parking Requirements

Required	Minimum Space Requirements	Proposed
Single-family	2 spaces	2 spaces are provided.

Windows and Trims

Required	Proposed
Window styles should always be consistent among all elevations of a building.	Consistent.
Frame materials should never vary on a single building.	No variation.
Window, door and eave trim should be consistent on all elevations of the house	Consistent.

RECOMMENDATION

Staff recommends approval.



MEMORANDUM

To: Design Review Board
Thru: Guillermo Olmedillo, Town Manager
From: Sarah Sinatra Gould, AICP, Town Planner
CC: Linda Miller, Town Attorney
Date: December 15, 2016
Re: 900 89th Street, Rear & Side Addition

The property is located at 900 89th Street, within the H30B zoning district. The applicant is proposing the construction of a second story addition to the existing single-family residence, renovations to include the addition of a porch and the restoration of a converted garage back to a garage.



Staff has reviewed the current application for consideration by the Design Review Board. In this report Staff presents the following:

- Applicable Zoning Code regulations, along with the results of the review
- Applicable Design Guidelines standards, along with the results of the review
- Staff Recommendation

STANDARDS / RESULTS
Town of Surfside Zoning Code, Applicable Requirements

Sec. 90-45. Setbacks

Setbacks	Required	Proposed
Primary Frontage	Minimum 20 feet	20.20 feet
Interior side	Minimum 5 feet	10 feet
Corner side	Minimum 10 feet	12 feet 7 inches
Rear	Minimum 20 feet	20 feet

Sec. 90.49 Lot standards

Lot Standards H30B	Required	Proposed
Minimum Lot width	50 feet	50 feet
Minimum lot area	5,600 feet	5,625 square feet
Maximum lot coverage	40%	40%
Pervious area	35% (minimum)	47%

Sec. 90-45. Setbacks

H30B UPPER STORY FLOOR AREA IS LESS THAN 50% OF FIRST STORY FLOOR AREA	Required	Proposed
		31.9%
<i>Maximum Lot Coverage</i>	40%	39%
UPPER STORY		
Primary frontage	Minimum 20 feet/Average 22.5 feet	N/A
Interior side	Minimum 6.1 Feet/ Average n/a	10 feet
Rear	Minimum 20 feet/ Average n/a	20 feet

Sec. 90.50 Architecture and roof decks

	Required	Proposed
Unique Elevation	A unique elevation from the main buildings of the adjacent two (2) homes shall be created through the modulation of at least three (3) of the following architectural features: (a)Length, width and massing of the structure; (b)Number of stories; (c)Façade materials; (d)Porches and other similar articulation of the front façade; (e)Number and location of doors and windows; and	The massing, location and windows and doors and the roof style and pitch of the proposed addition elevation is different than the neighboring houses.

	(f)Roof style and pitch.	
Wall openings	10% for all elevations	10% provided for all elevations
Roof Material	(a) Clay Tile; (b) White concrete tile; (c) Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color if granted approval by the Design Review Board; (d)Architecturally embellished metal if granted approval by the Design Review Board; or (e)Other Florida Building Code approved roof material(s) if granted approval by the Design Review Board.	Roof is tile to match existing structure

Town of Surfside Adopted Residential Design Guidelines

Building Massing

Required	Proposed
Building forms should be varied enough to avoid monotony and to avoid pyramidal massing and should be compatible with surrounding houses.	Consistent

Decorative Features

Required	Proposed
Decorative features should be stylistically consistent throughout the entire building.	Consistent.

Overall Architectural Style

Required	Proposed
The overall style of each house should be consistent on all sides of the building, as well as among all portions of the roof.	Consistent.

Wall Materials and Finishes

Required	Proposed
The same material should be used on all building elevations unless multiple materials are a legitimate expression of the particular style.	The building will be stucco.

Roof Materials, Types, and Slopes

Required	Proposed
Roof types and slopes should be generally the same over all parts of a single building.	Consistent

<p>Restricted materials for roofs are pre-determined in the Town’s Building Code, which restricts roofing materials to:</p> <ol style="list-style-type: none"> 1. Clay tile; 2. White concrete tile; 3. Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color is first approved by the planning and zoning board; and 4. Metal. 	<p>Tile roof is proposed for new addition to match existing structure.</p>
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Windows and Trims

Required	Proposed
Window styles should always be consistent among all elevations of a building.	Consistent.
Frame materials should never vary on a single building.	No variation.
Window, door and eave trim should be consistent on all elevations of the house	Consistent.

RECOMMENDATION

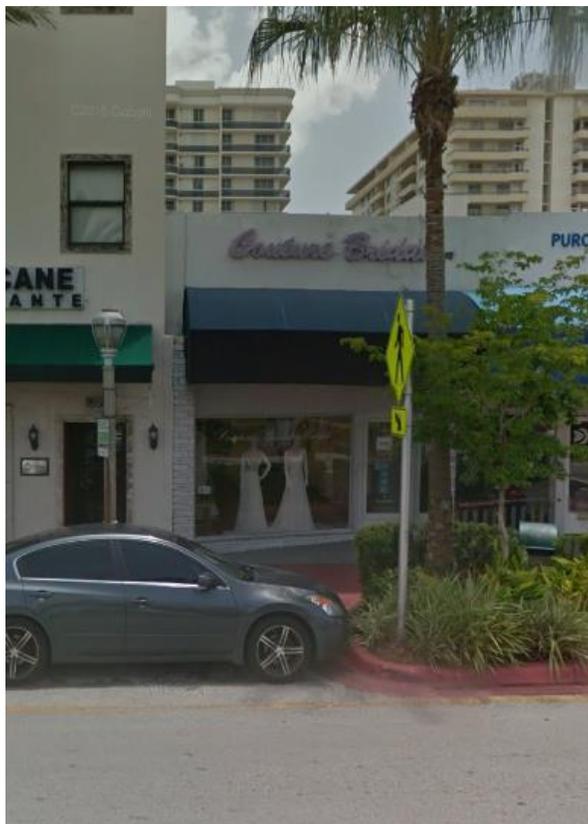
Staff recommends approval.



MEMORANDUM

To: Design Review Board
Thru: Guillermo Olmedillo, Town Manager
From: Sarah Sinatra Gould, AICP, Town Planner
CC: Linda Miller, Town Attorney
Date: December 15, 2016
Re: 9545 Harding Avenue

The property located at 9545 Harding Avenue is within the SD-B40 zoning district. The applicant is requesting reverse channel LED illuminated lettering sign to replace the sign at the existing retail shop, Couture Bridal. The name is being changed to Couture Bridal Miami. The proposed signage includes black lettering.





Staff has reviewed the current application for consideration by the Design Review Board. In this report, Staff presents the following:

- Applicable Zoning Code regulations, along with the results of the review
- Staff Recommendation

STANDARDS / RESULTS

Town of Surfside Zoning Code, Applicable Requirements

Sec. 90-73

Signs	Permitted	Proposed
Area	25 square feet	7.8 square feet
Approved word content	Signs may include the following: <ol style="list-style-type: none"> 1) Trade name of establishment 2) Logo of the establishment 3) Nature of business, services rendered or 4) Products sold on premises. 	Sign consists of the trade name of the establishment
Prohibited Word Content	Signs may not include the following: <ol style="list-style-type: none"> 1) Any reference to price, except as provided in regards to "window sign." 	No reference to price
Location	With the exception of theater marquees and V-box signs, no sign shall be erected so that any portion thereof shall project over a dedicated street or sidewalk or so that any portion thereof shall project more than five feet from any main building wall.	Sign does not project over the sidewalk or street.
Illumination	All signage, lettering, logos or trademarks shall be required to be lit with white illumination from dusk to dawn. The illumination may be either internal illumination or external illumination, however, all walls below the sign shall be illuminated with white wall wash LED lighting. It shall be located and directed solely at the sign. The light source shall not be visible from or cast into the right-of-way, or cause glare hazards to pedestrians, motorists, or adjacent properties.	The applicant is proposing reverse channel illuminated lettering.



RECOMMENDATION

Staff recommends approval with the following conditions:

1. No electrical equipment shall be visible.
2. The existing electrical equipment shall be concealed.
3. The façade shall be restored and repainted.



MEMORANDUM

To: Design Review Board
Thru: Guillermo Olmedillo, Town Manager
From: Sarah Sinatra Gould, AICP, Town Planner
CC: Linda Miller, Town Attorney
Date: December 15, 2016
Re: 8919 Carlyle Avenue, Rear Addition & Renovation

The property is located at 8919 Carlyle Avenue, within the H30B zoning district. The applicant is proposing an addition to the rear of the existing single family residence.



Staff has reviewed the current application for consideration by the Design Review Board. In this report Staff presents the following:

- Applicable Zoning Code regulations, along with the results of the review
- Applicable Design Guidelines standards, along with the results of the review
- Staff Recommendation

STANDARDS / RESULTS
Town of Surfside Zoning Code, Applicable Requirements

Sec. 90-45. Setbacks

Setbacks	Required	Proposed
Primary Frontage	Minimum 20 feet	20.20 feet
Interior side	Minimum 5 feet	4.75 feet (north side existing) / 5.3 feet (south side proposed)
Rear	Minimum 20 feet	21.0 feet

Sec. 90.49 Lot standards

Lot Standards H30B	Required	Proposed
Minimum Lot width	50 feet	50 feet
Minimum lot area	5,600 feet	5,625 square feet
Maximum lot coverage	40%	40%
Pervious area	35% (minimum)	48.5%

Sec. 90.50 Architecture and roof decks

	Required	Proposed
Unique Elevation	A unique elevation from the main buildings of the adjacent two (2) homes shall be created through the modulation of at least three (3) of the following architectural features: (a) Length, width and massing of the structure; (b) Number of stories; (c) Façade materials; (d) Porches and other similar articulation of the front façade; (e) Number and location of doors and windows; and (f) Roof style and pitch.	The massing, location and windows and doors and the roof style and pitch of the proposed addition elevation is different than the neighboring houses.
Wall openings	10% wall openings for each façade and 10% per wall place when facing a street. The addition cannot result in a net decrease of windows	Not provided.
Roof Material	(a) Clay Tile; (b) White concrete tile; (c) Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color if granted approval by the Design Review Board;	Roof is either clay tile or flat roof to match existing structure

	(d)Architecturally embellished metal if granted approval by the Design Review Board; or (e)Other Florida Building Code approved roof material(s) if granted approval by the Design Review Board.	
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Town of Surfside Adopted Residential Design Guidelines

Building Massing

Required	Proposed
Building forms should be varied enough to avoid monotony and to avoid pyramidal massing and should be compatible with surrounding houses.	Consistent

Decorative Features

Required	Proposed
Decorative features should be stylistically consistent throughout the entire building.	Consistent.

Overall Architectural Style

Required	Proposed
The overall style of each house should be consistent on all sides of the building, as well as among all portions of the roof.	Consistent.

Wall Materials and Finishes

Required	Proposed
The same material should be used on all building elevations unless multiple materials are a legitimate expression of the particular style.	The building will be stucco.

Roof Materials, Types, and Slopes

Required	Proposed
Roof types and slopes should be generally the same over all parts of a single building.	Consistent
Restricted materials for roofs are pre-determined in the Town's Building Code, which restricts roofing materials to: 1. Clay tile; 2. White concrete tile; 3. Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color is first approved by the planning and zoning board; and 4. Metal.	Clay tile and flat roof is proposed for new addition to match existing structure.

Windows and Trims

Required	Proposed
Window styles should always be consistent among all elevations of a building.	Consistent.
Frame materials should never vary on a single building.	No variation.
Window, door and eave trim should be consistent on all elevations of the house	Consistent.

RECOMMENDATION

Staff recommends denial. The applicant has not provided the 10% wall opening calculation nor has the applicant indicated if there will be a net decrease in wall openings due to the addition. Lastly, the proposed rear elevation does not have windows.

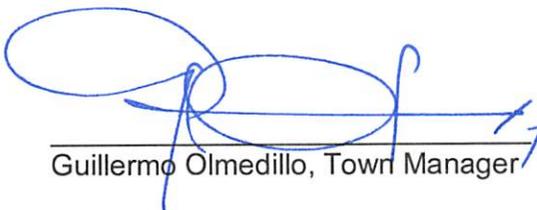


Town of Surfside Planning and Zoning Board Communication

Agenda Date: December 15, 2016
Subject: Temporary Moratorium on Cannabis Dispensing Businesses
From: Guillermo Olmedillo, Town Manager

Background:

In November, 2016, the voters of the state approved a Constitutional amendment to allow the legal use of medical marijuana (cannabis) in Florida. A comprehensive State licensing and regulatory framework for the cultivation, processing, and dispensing of cannabis exists and may be further modified by the state legislature in recognition of the Constitutional amendment. Therefore, Staff is recommending a 12 month moratorium on the opening of cannabis dispensing businesses in the Town. The intent of the moratorium is to give the Town the time reasonably necessary to investigate the impacts of cannabis dispensing facilities, and if necessary, to prepare reasonable regulations relating to such establishments.



Guillermo Olmedillo, Town Manager

ORDINANCE NO. - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; ESTABLISHING A TEMPORARY MORATORIUM ON CANNABIS DISPENSING BUSINESSES AS FURTHER DEFINED HEREIN; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, in 2014 the Florida Legislature enacted a law legalizing low-THC medical cannabis in Florida; and

WHEREAS, in November 8, 2016, the voters of the state approved a Constitutional amendment to allow the legal use of medical marijuana (cannabis) in Florida; and

WHEREAS, a comprehensive State licensing and regulatory framework for the cultivation, processing, and dispensing of cannabis exists and may be further modified by the Florida Legislature in recognition of the Constitutional amendment; and

WHEREAS, the comprehensive State licensing and regulatory framework directs that the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, dispensing facilities of cannabis businesses may be determined by local ordinance; and

WHEREAS, cannabis businesses licensed pursuant to the law have begun cultivating cannabis for processing and dispensing; and

WHEREAS, the dispensing of cannabis is currently illegal under federal law and the United States Drug Enforcement Agency has recently confirmed that cannabis remains a Schedule I drug under federal law, but the United States Department of Justice has discussed federal enforcement of such laws with respect to state regulated cannabis operations in the 2012 “Cole Memorandum;” and

WHEREAS, potential adverse impacts on the health, safety, and welfare of residents and business from secondary effects associated with the distribution of cannabis exist, potentially including, offensive odors, trespassing, theft, fire hazards, increased crime in and about the dispensary, robberies, negative impacts on nearby businesses, nuisance problems, and increased DUI incidents; and

WHEREAS, the above potential adverse impacts are accentuated by the current difficulties experienced by cannabis businesses in obtaining banking services necessitating such businesses to operate on a cash basis; and

WHEREAS, there exists the potential for misappropriation of medical cannabis to non-medical uses; and

WHEREAS, an overabundance of dispensing facilities can affect the viability of such facilities, result in compliance issues, lead to the improper diversion of products, and accentuate threats to the public health, safety, and welfare; an

WHEREAS, Florida laws relating to the cultivation, production, and dispensing of cannabis products are rapidly changing – raising substantial questions about whether cannabis-related land uses, as a category of commercial use, may have deleterious and negative secondary effects on surrounding land uses and communities; and

WHEREAS, the purpose of this ordinance is to place a temporary moratorium on the opening of certain new cannabis dispensing facilities, and on the expansion or relocation of certain existing cannabis dispensing facilities; and

WHEREAS, the Town hereby finds that the temporary moratorium imposed by this ordinance is intended to give the Town the time reasonably necessary to investigate the impacts of cannabis dispensing facilities, and if necessary, to promulgate reasonable regulations relating to such establishments; and

WHEREAS, the Town hereby finds that this ordinance advances an important government purpose by reducing the likelihood of the unregulated negative secondary effects of cannabis dispensing facilities; and

WHEREAS, the Town has determined it is in the public interest to adopt this Ordinance pursuant to the Town police powers to protect the health, safety, and welfare of the public; and

WHEREAS, the Town Commission held its first public hearing on December 13, 2016 having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendments on December 15, 2016 with due public notice and input; and

WHEREAS, the Town Commission conducted a second duly noticed public hearing on these regulations as required by law on January 10, 2017.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:

Section 1. Purpose and Intent.

The purpose of this Ordinance is to provide the Town with the opportunity to review the impact of recent changes in law and the recent passage of the constitutional amendment, as well as the impact of cannabis dispensing in other jurisdictions, to determine how such dispensing should be permitted or regulated in the Town.

Section 2. Definitions.

(1) The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Ordinance:

- a. **Cannabis** means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin.
- b. **Cannabis dispensing business** or **business** shall mean a business location offering cannabis for retail sale pursuant to a license to dispense cannabis issued under applicable law.
- c. **Compassionate Use Act** shall mean section 381.986, Florida Statutes, and chapter 2016-123, Laws of Florida, as amended from time to time, and any rules or regulations promulgated thereunder.
- d. **State** shall mean the State of Florida.

(2) In addition to the definitions contained in Subsection (1), other terms used in this Ordinance shall have the meaning ascribed to them in the Compassionate Use Act, and such definitions are incorporated into this Ordinance by this reference.

Section 3. Temporary Moratorium.

Beginning on the effective date of this Ordinance, for a period of twelve (12) months from the effective date, a moratorium is hereby imposed on the opening of cannabis dispensing businesses in the Town.

- a. During the moratorium, it is unlawful and a violation of this ordinance for any person or entity to open or cause to be opened any cannabis dispensing business within the Town.
- b. During the moratorium, it is unlawful and a violation of this ordinance for any person or entity to relocate or cause to be relocated any cannabis dispensing business within the Town.

- c. During the moratorium, it is unlawful and a violation of this ordinance for any person or entity to expand or cause to be expanded any cannabis dispensing business within the Town.
- d. During the moratorium, the Town shall not accept, process or approve any application for business tax receipts, licenses, building permits, land use permits, or any development permits concerning or related to a cannabis dispensing business.
- e. During the moratorium, the Town shall not accept, process or approve any business tax receipts, building permits, land use permits, or any development permits concerning or related to a cannabis dispensing business.
- f. During the moratorium, the Town shall not accept, process or approve any licenses, permits, or approvals for any property, entity, or individual for the sale or dispensation of cannabis so long as this ordinance is in effect.

Nothing in this temporary moratorium shall be construed to prohibit the use of cannabis pursuant to the Compassionate Use Act or other applicable Florida Law, or the delivery of cannabis in compliance with the Compassionate Use Act or other applicable Florida Law.

Section 4. Study and Recommendations.

The Town Manager is hereby directed to study land development regulations for cannabis dispensaries and the impact of such regulations in other jurisdictions.

Section 5. Severability.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

Section 6. Repeal.

All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the Town or any of its officials and in conflict with this ordinance are hereby repealed to the extent inconsistent herewith.

Section 7. Effective Date.

This ordinance shall take effect immediately upon adoption, and shall remain in effect for a period of twelve (12) months from that date.

PASSED on first reading this _____ day of _____, 2016.

PASSED and **ADOPTED** on second reading this _____ day of _____, 2017.

Daniel Dietch, Mayor

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

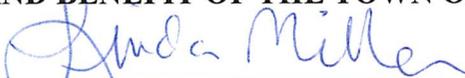
FINAL VOTE ON ADOPTION:

Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

ATTEST:

Sandra Novoa, MMC, Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**



Linda Miller, Town Attorney



Town of Surfside Planning and Zoning Board Communication

Agenda Date: December 15, 2016

Subject: Require noticing of demolition of houses

From: Sarah Sinatra Gould, AICP, Town Planner

Background: The Planning and Zoning Board requested staff to research a code amendment requiring the noticing of neighboring properties when a property is proposed to be demolished. Staff researched numerous codes but we have not found an example of this type of noticing. Per our discussions with the Board, staff is suggesting the following language:

Sec. 90-19. - Single-family and two-family development review process.

90-19.6 Single-family and two-family development shall be reviewed by the design review board. Complete demolitions and partial demolitions of 50% or more of a primary structure shall require the applicant to notify the public of the Design Review Board hearing on the proposed application as follows:

1. The applicant shall post a notice on the property one week prior to the Design Review Board meeting and remove the notice three days after the conclusion of the Design Review Board meeting. A notice, 18 inches by 24 inches, shall be placed in a prominent place on the property by the applicant at his own expense denoting the following:

REQUEST FOR: _____

PLANNING AND ZONING MEETING: DATE AND TIME

TOWN COMMISSION MEETING: DATE AND TIME

TOWN HALL
9293 Harding Avenue
Surfside, FL 33154

COMPLETE INFORMATION REGARDING THE APPLICATION IS
AVAILABLE BY CONTACTING THE TOWN HALL AT _____.

2. The applicant shall mail written courtesy notices to the adjacent single family property owners, including single family properties across a right-of-way, of the Design Review Board meeting 10 days prior to the meeting.

3. The applicant shall provide an affidavit to the Town indicating the notices have been mailed and the sign has been posted three days prior to the Design Review Board meeting.



Sarah Sinatra Gould, AICP, Town Planner



Guillermo Olmedillo, Town Manager



Town of Surfside Planning and Zoning Board Communication

Agenda Date: December 15, 2016
Subject: Adjusting height for Sea Level Rise
From: Sarah Sinatra Gould, AICP, Town Planner
Cc: Sustainability Subcommittee

Background: The Planning and Zoning Board requested staff to research the process to encourage development to be built higher to accommodate sea level rise. The Town's code defines height as the following:

The vertical distance from the grade, which is the average datum or elevation of the crown of the road upon the street serving the lot or building site, to the highest point of the roof.

The Town requires the first floor to be constructed at Base Flood Elevation plus one foot, meaning nine feet. The Town's code limits height to 30 feet measured from the Crown of the Road, which at the lowest point in the Town is approximately four feet in height. The result of measuring from crown of the road rather than Base Flood is that homeowners do not built above the Base Flood requirement because it would limit them too much from building a second story, due to the maximum height of 30 feet.

The Planning and Zoning Board has suggested allowing a home to exceed the 30 foot maximum if the applicant develops the property above the finished floor requirement, or 10 feet. For example, if the structure was constructed with a finished floor at 15 feet, five feet could be added to the roof to make up the difference. It would be a one to one ratio, with a maximum determined by the Town. This has been referred by the Board as "give a foot, get a foot." This would allow the same volume as the code permits today, but would be shifted

permits today, but would be shifted higher to accommodate the home constructed higher than properties are developed currently.

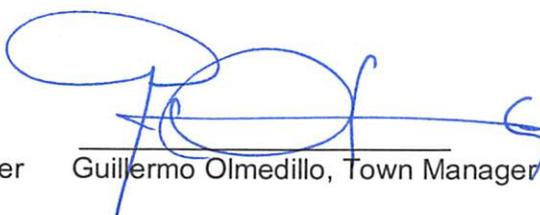
The Town's Charter, Section 4, states the following: *The density, intensity, and height of development and structures within the Town of Surfside shall not exceed the maximum allowable units per acre, floor area ratios or the maximum allowable building heights in stories and feet that are set out in the Town of Surfside Comprehensive Plan or the Code of the Town of Surfside, whichever provisions are most restrictive, which were in effect in 2004.*

If the give a foot, get a foot concept were to be implemented, a charter amendment would need to be placed on the ballot of a regularly scheduled election, which is March 2018. If the charter amendment passed, then the Town's Comprehensive Plan and Zoning Code would also need to be amended to provide consistency with the charter amendment.

Staff is requesting direction from the Planning and Zoning Board on specific guidance and investigation it would like from the Sustainability Subcommittee.



Sarah Sinatra Gould, AICP, Town Planner



Guillermo Olmedillo, Town Manager



Town of Surfside Planning and Zoning Board Communication

Agenda Date: December 15, 2016

Subject: Roof Pitch & Height Modifications

From: Sarah Sinatra Gould, AICP, Town Planner

Background: The Planning and Zoning Board has encouraged applicants to provide designs with pitched roofs rather than flat roofs. The Board has indicated that this type of design is more in line with the character of Surfside. In an effort to further encourage this design, the Board has requested a code change that allows the roof pitch above the top of the roof beam to be included as an architectural feature and therefore permitted to exceed the maximum height by three feet.

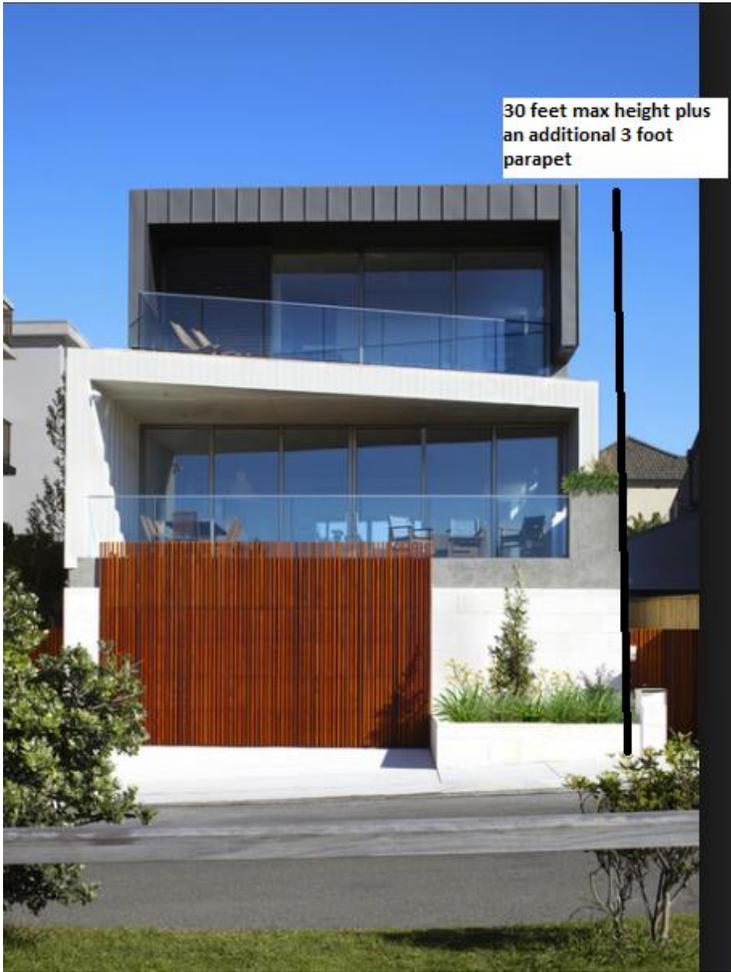
The code allows an applicant to build to 30 feet and then add a three foot parapet. Pitched roof homes typically would not add a parapet wall. Here is an example of a parapet, which is typical on a flat roof home.



The following images demonstrate how a flat roof home creates more square footage for properties and therefore, designs of flat roof homes are becoming more prevalent in Surfside. The Planning and Zoning board indicated a desire to “level the playing field” by allowing a pitch of a roof, which is a non-habitable space above the top of the roof, to act as an architectural feature and therefore be permitted under the permitted height encroachments.

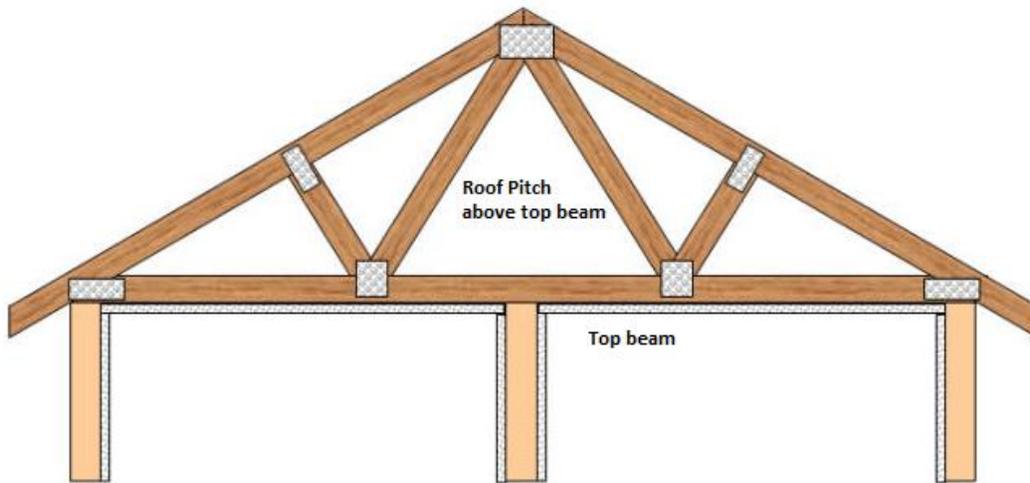
**No additional parapets
are typical for a pitched
roof.**





Proposed change

Allow 3 feet for roof pitch to encourage pitched roofs



Sec. 90-44. - Modifications of height regulations.

90-44.1 Architectural elements including cupolas, chimneys, flagpoles, spires, steeples, stair accessways, antennas, ventilators, tanks, parapets, trellises, screens, roof pitches and similar not used for human habitation, may be erected to a reasonable and necessary height, consistent with and not to exceed the following limitations:

Designation	Maximum Height (Feet)	Maximum Percentage of Aggregate Roof Area
H30A	3 FT	1%
H30B	3 FT	1%
H30C	3 FT	10%
H40	12 FT	10%
H120	20 FT	30%
SD-B40	12 FT	10%

90.44.6 Parapets or similar screening on single family properties shall be setback a minimum of 10 feet from the building line.

Staff Recommendation: Town Commission reviewed the proposed ordinance and indicated they wished the home to be raised by three feet at the base. They requested for this ordinance to be discussed further by the Planning and Zoning Board.



Sarah Sinatra Gould, AICP, Town Planner



Guillermo Olmedillo, Town Manager

ITEM	OUTCOME	NEXT STEPS	IN CONTRACT OR WORK AUTHORIZATION	TENTATIVE SCHEDULE	COMPLETE
FUTURE PZ DISCUSSION ITEMS					
Requiring noticing for demolition of houses	Research option and place on agenda for discussion			December PZ	
Roof Pitch of Single Family	Modify ordinance to include roof pitch above top of the truss as an architectural feature	Draft code amendment		December PZ	
Give a foot, get a foot relating Sea Level Rise - Flat Roof vs. Pitch roof	Place on agenda for discussion on referendum			December PZ	
Measuring height from crown of the road	Place on agenda for discussion relating to sea level rise. Staff confirmed height was measured from the crown to the top of the structure in the 2004 Code as well. This would require a referendum.			December PZ	
Stepback discussion	Commission has requested the PZ board analyze this requirement			Future PZ	
Setback for parapet above 30 feet on single family homes	Prepare ordinance to require additional setback	Draft code amendment		Future PZ	
Air Flow on Corridor				Future PZ	
Impact fee discussion				Future PZ	
Ways to increase pervious area of lots	Place on PZ agenda for discussion. Provide PZ with current standards			Future PZ	

Tree Canopy Initiative/ Single family district Streetscape master plan	\$8,000 budgeted in the FY 2014-2015 budget for the tree canopy	Town Manager analyzing. Would need inclusion in the budget for additional projects.				
Fences & Hedges in the front of single family residences	Modify ordinance	Discussion on hedge height in the front			Future PZ	
Average side setback /Massing	Modify ordinance for additional side setbacks on upper floors for single family homes	Preparing graphics on reductions in 2 nd floor				On hold until full discussion of height and sea level rise.
Requiring larger sidewalks on east side of Collins	Discussion item for PZ from the Town Commission to require setback of walls and fences on Collins to provide larger sidewalks				Future PZ	
Satellite dishes	Further review by staff	Research and prepare report for discussion and possible code amendment	In contract		Future PZ	
Residential or commercial wind turbine regulations	Prepare ordinance regulating wind turbines including hurricane precautions, noise regulations, insurance considerations	Draft code amendment	In contract		Future PZ	
Green walls	Require green walls adjacent to alleys and other buildings that abut public right of ways	Research and prepare report for discussion and possible code amendment	In contract		Future PZ	

Final Inspections	Zoning	Town Manager will analyze					
Request to Commission for a referendum on one-way streets in residential to support a streetscape plan	H40, H30 & SDB40 Architecturally Significant ordinance	In budget to perform analysis for update of undergrounding	PZ discussion on pedestrian safety and walkability	Separate work authorization required	November PZ		
West Side of Collins	Review with PZ options for architecturally significant ordinance for other zoning districts.	Discuss with PZ	Separate work authorization required	Future PZ			
ON UPCOMING COMMISSION AGENDA							
ON FUTURE COMMISSION AGENDA							
Commercial waste and recycling container screening	Screening for containers, green screen, vegetation, include pictures from Commissioner Kligman	Draft code amendment	In contract				Waiting placement on Commission Agenda
Driveway material regulations	Modify code to allow stamped concrete and concrete slabs with decorative rock or grass in between	Draft code amendment	In contract				Waiting Placement on Commission Agenda
Painting of commercial structures	Town Staff to prepare ordinance	Prepare ordinance for commission	Building to prepare ordinance				Upcoming Commission agenda.
COMPLETED							
Sign Definitions	Modify sign definitions for monument and sign area	Drafted code amendment					
Carports	Require improved surface on frame	Addressed in Code			September PZ		Yes
Provide summary on construction hours and noise ordinance	Place update on PZ agenda.				September PZ		Yes

Workforce housing update						September PZ	Yes
Add requirement for licensed architect for DRB submittals	Reviewing entire section relating to DRB	Draft code amendment				May Commission Agenda	Complete
Corridor Analysis	Study corridor between Collins & Harding	Prepare code amendments	Work authorization to be approved in NOVEMBER	January Commission		Complete	
Single Family Paint Colors	Discussion with the Planning & Zoning Board to determine if a color palette is appropriate for single family homes and what colors/criteria should be included	Place on future Planning and Zoning agenda for discussion	In contract	Will add to Joint Meeting with PZ/Commission.		Complete	
Parking Trust Fund	Discussion with the Planning & Zoning Board to provide a cap for payment into the fund	Ordinance on July PZ agenda	In contract	July Commission for 1 st reading, July PZ August Commission for 2 nd reading		Complete	
Turtle Lighting	Town Staff to prepare review	No ordinance necessary. Turtle lighting already required in code.	COMPLETE	Turtle Lighting	Town Staff to prepare review		
Downtown Color Palette	Discussion with the Planning & Zoning Board to determine if a color palette is appropriate and what colors/criteria should be included	Place on future Planning and Zoning agenda for discussion	In contract	Replaced with repainting of structures.	Complete		
Bay Drive & 95 th Street	Open Bay Drive off 95 th Street	Staff will research	Police and Building to research	No change. Police Chief cited safety concerns	COMPLETE		
Sign/awning code	Discussed at Joint Meeting	Staff beginning to work on draft	Work Authorization approved	July Commission August Commission	COMPLETE		

As-built reviews for residential projects	Discuss increasing canopy in town, street trees, what can be planted in ROW	Research and prepare report for discussion and possible code amendment	In contract	March PZ	COMPLETE Added a program modification to FY2015 budget
Interpretation of base flood elevation for the H120 district	No change	No further action needed		N/A	COMPLETE
Solar panel regulations	Prepare ordinance regulating solar panels	Draft code amendment	In contract	March PZ	COMPLETE
Car charging station regulations	Prepare ordinance regulating car charging stations requiring them in new multi-family, research what other communities are doing	Draft code amendment	In contract	December PZ	COMPLETE
Pyramiding effects of setbacks in the H120 district	No action necessary since Planning and Zoning Board currently reviewing setbacks as part of wall frontage modifications			N/A	
Garage door clarification	Modify code to remove requirement for two separate garage doors	Draft code amendment	In contract	November PZ	COMPLETE
10% window opening requirement per story	Discussion with the Planning & Zoning Board	Prepare ordinance for commission	In contract	June PZ	November Commission for first reading
Landscaping in front of converted garage	Determine if landscaping planter is sufficient versus requiring landscaping.	Reviewed code and determined that planter is only permitted in cases where the driveway would be too short.	In contract	No further modification necessary	Yes

Sheds	Modify ordinance to increase square footage, but reduce height and add landscape requirements.	Draft code amendment	In contract	Discussed at March meeting.	Commission 1st reading in May. PZ in May
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